

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

ALINE FINNEMAN,)	Deposition of:
)	
Plaintiff,)	Donald McLeish
)	
vs.)	Civil No.
)	2:19-CV-00327-HCN-CMR
DELTA AIRLINES, INC.,)	
a Delaware Corporation,)	Judge Howard C. Nielson, Jr.
)	
Defendant.)	Magistrate Cecilia M. Romero

VIRTUAL DEPOSITION VIA ZOOM

PAGES 94 THROUGH THE END OF THE DEPOSITION HAVE BEEN
DESIGNATED CONFIDENTIAL

April 29, 2021 * 8:00 a.m.

Witness Location: Salt Lake City, Utah

Reporter: Diana Kent, RPR, CRR
Notary Public in and for the State of Utah

1 Q. What was your date of retirement?

2 A. July 31st.

3 Q. Of what year?

4 A. 2020. Sorry.

5 Q. I couldn't hear that, what?

6 A. 2020.

7 Q. So was your title "department manager" or
8 was it "ramp manager"?

9 A. Department manager.

10 Q. But you managed the ramp, is what you're
11 telling me, the below-wing operations?

12 A. Yes.

13 Q. Tell me, in a bit more detail but not in
14 exhaustive detail, more of a summary, what your job
15 duties and responsibilities were as department manager
16 below-wing.

17 A. So department manager, there was two
18 department managers below-wing and one department
19 manager above-wing, and it was basically divvied up
20 based on how many people reported to any one department
21 manager. And I think I had roughly 450 people in my
22 tree, two levels down, and we were responsible for the
23 unloading and loading of aircraft. I also had the
24 assignment of de-ice operations. So wintertime, that
25 was seasonal. It was kind of a lateral responsibility.

1 Also managed the control tower, which is the inner ramp
2 area that pilots -- FAA turns the pilot over to us and
3 we guide them into the gates, and then in reverse we
4 escort them out to the spots and then turn the pilots
5 over to the FAA, and we facilitate the to and from of
6 the aircraft.

7 Also managed the bag room operation and
8 the baggage transfer team, which is where I started.
9 Also had the cargo facility. Cargo had a manager
10 there, a third-party vendor but I managed the cargo
11 operation, and then something of a liaison the last few
12 years with building the new airport.

13 Q. Who was the other department manager
14 below-wing along with you?

15 A. Marc Stetler was my partner for the
16 majority of the time. And then Marc, I don't know when
17 Marc became the general manager, but Marc was promoted
18 to general manager. So we were peers, and Marc was
19 promoted to general manager early in 2020 or late in
20 2019. I couldn't say for sure.

21 Q. And Stetler is spelled S-T-E-T-L-E-R,
22 right?

23 A. Yes, sir.

24 Q. Who was the above-wing manager at that
25 time?

1 A. Keith Stowe.

2 Q. And as department manager below-wing, who
3 was your direct supervisor?

4 A. Who was what?

5 Q. Your direct supervisor.

6 A. Marc Stetler.

7 Q. So did you and Mr. Stowe -- and "Stowe"
8 I'm spelling S-T-O-W-E, does that sound right to you?

9 A. Yes, sir.

10 Q. You and Mr. Stowe both reported to
11 Mr. Stetler, correct?

12 MR. DIBBLE: Objection. Vague and
13 ambiguous as to time.

14 Q. I'm talking about the time you served as
15 department manager below-wing.

16 A. Well, in the final days, no. Keith would
17 have reported above-wing to, I believe -- I don't know
18 when Kelley Marchant -- Kelley Marchant was an
19 above-wing general manager. So no, Keith did not
20 report to Marc Stetler.

21 Q. All right. And why did you decide to
22 retire in July of 2020?

23 A. I had been considering retiring for many
24 years. Delta offered a very lucrative retirement
25 package.

1 Q. And to be clear, Delta did not terminate
2 your employment; you retired voluntarily, right?

3 A. Absolutely. Yes.

4 Q. And Aline Finneman previously worked for
5 Delta Airlines, correct?

6 A. Yes.

7 Q. And she was employed with Delta from 1995
8 until on or about February 3, 2018. Does that sound
9 right to you?

10 A. Sounds correct, yes.

11 Q. And you've met Ms. Finneman before,
12 correct?

13 A. Yes.

14 Q. And in 2016, Ms. Finneman accepted a
15 transfer from Texas to Salt Lake City to work as an
16 operations service manager, or OSM, correct?

17 A. Yes.

18 Q. And you were Ms. Finneman's direct
19 supervisor, correct?

20 A. Yes.

21 Q. How often did you observe Ms. Finneman
22 performing her work; daily, weekly?

23 A. Ms. Finneman's work was covering a work
24 area, so I wouldn't necessarily be standing and
25 watching her perform her role, but talking to her on a

1 daily basis when she was at work was common.

2 Q. And how would you describe Ms. Finneman's
3 job duties and responsibilities as an OSM?

4 A. She was a bag room OSM over a very large
5 team, the afternoon shift, I believe. Baggage -- bag
6 room, baggage facility makes up all the bags coming in
7 from the ticket counter, and transports them in bags
8 out to departing flights, and two-thirds of the
9 footprint of the bag room. And they are responsible
10 for all the bags that come off the aircraft and go out
11 to the curb and load them on carousels for terminating
12 customers in Salt Lake as well.

13 Q. And were you involved in the decision to
14 permit or allow Ms. Finneman to transfer from Texas to
15 Salt Lake?

16 A. I believe I was.

17 Q. Did you approve that decision?

18 A. Yes.

19 Q. Was anyone else involved?

20 A. Generally the leadership team, as a group,
21 we interview. And interview scores make up the lion's
22 share of the decision-making process. But yeah,
23 certainly I would have had conversation about
24 supporting Aline coming back to Salt Lake City as an
25 OSM.

1 Q. And why would you support that decision?

2 A. It's very much a bonus, when you're a
3 department manager, when you have somebody that's
4 already got some leadership skills and experience. And
5 Aline was coming to us with experience.

6 Q. Do you recall who else was involved in the
7 decision to allow Aline to transfer?

8 A. I couldn't tell you. I'm guessing it
9 would probably be Keith Stowe or Marc Stetler. I don't
10 recall who was in the interviews with me. I don't
11 actually -- I'm not a hundred percent sure I was the
12 one who interviewed Aline coming back in.

13 Q. So to be clear, Aline worked as an OSM
14 below-wing, right?

15 A. Yes.

16 Q. And in the time period that Ms. Finneman
17 worked in Salt Lake City, so we are going 2016 to on or
18 about February 3, 2018, that's the narrow time frame
19 I'm asking you about now.

20 A. Yeah.

21 Q. Who were the other OSMs that you
22 supervised?

23 A. The bid -- OSMs bid over six months in and
24 out of a work area. So I'm not sure if Aline fell
25 under my oversight for that entire duration. I don't

1 know how often she was in my -- we called it a tree, a
2 leadership tree or hierarchy. I couldn't tell you
3 exactly.

4 Q. Okay. Do you remember any of the other
5 OSMs you supervised in your tree in that time period?

6 A. Sure, yeah.

7 Q. Who are they?

8 A. Todd Monette, Dixie Jimenez, Ken Webb. I
9 don't have a roster directly in front of me, but there
10 was about 26, 28 total leaders.

11 Q. And Monette would be spelled M-O-N-E-T-T-E,
12 right?

13 A. Uh-huh (affirmative).

14 Q. Is that a yes?

15 A. Yes. Sorry about that.

16 Q. And you knew that Ms. Finneman was
17 originally from the Philippines, correct?

18 A. I don't know that it ever came --

19 MR. DIBBLE: Objection. Assumes facts not
20 in evidence.

21 Q. You can answer.

22 MR. DIBBLE: You can answer.

23 A. I don't know -- I don't necessarily know
24 that Aline was born in the Philippines. I don't have
25 any idea where she grew up.

1 Q. Did you know she was of Asian descent?

2 A. Sure.

3 Q. Obviously you knew the color of her skin?

4 A. Uh-huh (affirmative). And she talked
5 about her parents having a place in the Philippines, I
6 believe.

7 MR. DIBBLE: And Don, will you say yes or
8 no instead of "uh-huh"?

9 THE WITNESS: Yes. Sorry.

10 Q. (By Mr. Egan) What did she tell you about
11 her parents in the Philippines?

12 A. Other than her parents lived in the
13 Philippines and she had gone there to visit them, I
14 don't recall anything else.

15 Q. And did Aline have an office at Delta?

16 A. Yes.

17 Q. And where was that in proximity to yours?

18 A. Distance-wise, a couple hundred yards,
19 probably, away.

20 Q. At the airport, right?

21 A. A walk of -- a three- or four-minute walk,
22 yeah.

23 Q. At the airport, right?

24 A. Yes, sir.

25 Q. And this would be the old Salt Lake City

1 airport, right? We now have a brand new terminal out
2 there, so I'm talking about the old airport.

3 A. Yes, sir.

4 Q. That's what you're talking about too,
5 right?

6 A. Yes, sir.

7 Q. All right. What part of the old -- it was
8 terminal 2, I believe. Is that where the offices were?

9 A. Yes, sir.

10 Q. All right. And how would you assess
11 Ms. Finneman's job performance? Was she effective,
12 ineffective?

13 A. Effective.

14 Q. Okay. Why would you say that?

15 A. She was a good leader. I enjoyed having
16 Aline on my team.

17 Q. What made her a good leader?

18 A. She cared about her team. She took good
19 care of the employees that were under her direct
20 oversight. She was very responsive and responsible and
21 communicated well with me on items that were going on.
22 I had no issues with performance.

23 Q. And did you issue her any types of formal
24 performance evaluations?

25 A. We do on-tracks and one-on-one check-in.

1 On-track discussions and one-on-one check-ins with
2 leaders.

3 Q. How many on-track discussions did you have
4 with her?

5 A. Well, they were annual. So the on-track
6 discussions were beginning of the year, you would sit
7 down and have conversations about what their goals
8 were. You tried to have midyear conversation, as well,
9 and then year-end conversations, as well, with the
10 entire leadership team.

11 Q. Were those on-track discussions documented
12 in any way?

13 A. Yes.

14 Q. And those on-track discussions include
15 things like performance scores like 1 to 10 or 1 to 5
16 in various areas of performance?

17 A. I think they were more of a "meeting
18 expectations," "exceeding expectations." I think they
19 were something like that. The tool we used to measure
20 performance over the years has changed, so on-track was
21 something that we were only a year or two into it and
22 it really didn't work quite as well as we were hoping
23 it would, but there was some type of measurement in
24 there.

25 Q. How many of these one-on-one discussions

1 did you have with Aline?

2 A. You know, I think our target was to try to
3 have them every month, month and a half. But given the
4 size and scope of the operation and the new airport
5 being built, I think we were lucky to have them every
6 two months.

7 Q. Did you ever have to -- I'm sorry. Were
8 you --

9 A. I was just asking if I could get a bottle
10 of water. Sorry.

11 Q. I'll wait for Dave to come back.

12 MR. DIBBLE: I'm here. Go ahead.

13 THE WITNESS: Thank you, sir.

14 Q. Did you ever have to issue any type of
15 written warning or any type of written performance
16 discipline to Aline?

17 A. No.

18 Q. Did you ever place Aline on any type of
19 performance improvement plan?

20 A. No.

21 Q. Did you ever place her on any type of
22 suspension or probation?

23 A. No.

24 Q. Do you recall whether you approved any
25 type of pay increase for Aline?

1 A. Not that I'm aware of, no.

2 Q. Let's take a look at what has previously
3 been marked as Exhibit 21, so we don't need to mark it
4 again. Let me know when you have it before you,
5 Mr. McLeish.

6 A. Yes, sir. I've got it in front of me.

7 Q. Have you seen that document before today?

8 A. Yes.

9 Q. What is it, exactly?

10 A. Kind of a timeline on how events occurred
11 related to the incident at the ticket counter with
12 Aline.

13 Q. Did you create this document or did
14 someone else create it?

15 A. I definitely input stuff into this. It
16 looks familiar, but I couldn't say for certain if I
17 created it or not.

18 Q. Do you know when it was created?

19 A. I do not.

20 Q. Do you know why it was created?

21 A. I think it was due to -- I think it was to
22 give a timeline why there was a stall with Aline having
23 been on vacation. And just a timeline on -- because I
24 think it took longer, really, to circle back around to
25 parties than we hoped. So I think it was a snapshot of

1 Q. And tell me about this meeting with Aline
2 on January 5. Where was it?

3 A. I don't know if that was in person or on a
4 phone call, but it would have been me asking for
5 additional details, basically reading the other
6 statements that implied there was more dialogue about
7 waiving bag fees than Aline had provided in her
8 previous statements.

9 Q. Was anyone else present for the
10 conversation or the phone call?

11 A. I don't believe so, no.

12 Q. Did you record the conversation?

13 A. No, sir.

14 Q. Do you recall specifically what Aline told
15 you during this January 5 exchange?

16 A. I do not.

17 Q. Do you recall what you told her?

18 A. Other than needing more information, some
19 explanation of why we were seeing differing content in
20 the stories.

21 Q. And have you told me everything you
22 remember about the January 5, 2018 conversation with
23 Aline?

24 A. Yes, sir.

25 Q. When it states that her statement differed

1 from other versions of what occurred, how is it
2 different?

3 A. Aline had not clarified or covered the
4 overweight bag, and the allegations that other
5 statements made regarding her asking them to waive --
6 get in the computer and waive the bag fees for her two
7 bags, I believe it was.

8 Q. Other statements from whom? Ms. Alusa?

9 A. Yes.

10 Q. Ms. Alusa.

11 A. Well, at that point I think it might
12 have -- I'm not sure if I had even seen Ms. Alusa's
13 statement at that point, but what we were hearing
14 verbally from Roland and Cory, I believe their
15 conversations with Keith Stowe. So trying to get at
16 the bottom of it.

17 Q. And "Cory" is Cory Abbott, right?

18 A. Yes, sir.

19 Q. And then there's an entry on January 6.
20 Just read that to yourself, if you would, please.

21 A. Okay.

22 Q. Let's take a look at Exhibit 26.

23 A. Exhibit 26. Okay.

24 Q. This would be an e-mail from Ms. Finneman
25 dated January 6, 2018 to you. The subject line reads

1 "statement." Are we looking at the same document?

2 A. Yes.

3 Q. Take a moment to read or review the e-mail
4 to yourself and then I'd like to ask you a few
5 questions about it.

6 A. Okay. I've read it.

7 Q. All right. In the first paragraph Aline
8 states she attempted to check in online but was
9 unsuccessful. So when she got to the airport, she
10 decided to go straight to an agent and was assisted by
11 Niki. She then states, "I stepped away for a little
12 bit to look for an envelope to store IDs and RFT
13 paperwork." Was it your understanding that Aline got
14 to the ticket counter, and then left the ticket
15 counter, and then came back to the ticket counter
16 before she checked herself in?

17 A. That would be my understanding, yes. But
18 not necessarily left the ticket counter. Left the
19 ticket counter position. I believe she walked down a
20 few positions and came back again. I believe she still
21 remained at the ticket counter.

22 Q. So from the time Aline arrived at the
23 ticket counter at about 7:17 a.m., she didn't leave the
24 view of the camera or leave the ticket counter and come
25 back; she stayed at the ticket counter until she was

1 checked in. Would that be correct?

2 A. I believe so.

3 Q. So then Aline states she stepped away for
4 a little bit to look for an envelope, is it your
5 understanding that by "stepping away," that means she
6 didn't step away from the ticket counter, she just
7 stepped away from the particular agent. Correct?

8 A. That particular check-in position, yes.

9 Q. And in the first paragraph of her e-mail
10 Aline refers to, "People here will not help/waive
11 because of," I believe it is pronounced "you-een-ee,"
12 U-I-N-I. Do you see that?

13 A. I do.

14 Q. Do you know who Uini is?

15 A. I know who the lady is. I believe it is
16 "Winney," but I don't know what the -- I don't know
17 what that is referring to. I probably knew at the
18 time, but I don't -- I wasn't part of the
19 investigation. I don't really know what happened to
20 Uini.

21 Q. Do you remember Uini's last name?

22 A. I do not know Uini's last name.

23 Q. Do you know what her job title was?

24 A. I believe she was a ticket counter
25 employee.

1 Q. Do you know whether her employment was
2 terminated?

3 A. I don't know.

4 Q. And did you ultimately conclude that Aline
5 made statements in this e-mail that were false?

6 A. Yes.

7 Q. Could you identify what you concluded to
8 be false?

9 A. Yes.

10 Q. Please do so.

11 A. I believe there was an inquiry to getting
12 into the computer and waive the overweight bag fees,
13 based on the statements I read.

14 Q. Anything else you believe to be false?

15 A. I don't -- I'm not sure the bags were ever
16 rearranged but I don't know that she is saying that
17 they did, necessarily. I think she was making an
18 assumption that her kids -- or an allegation that her
19 kids rearranged the bags. But I'm not sure that the
20 bags were re-arranged, either, based on what I saw in
21 the camera.

22 Q. Any other statements you consider to be
23 false?

24 A. Not that I'm aware of, no.

25 Q. So when Aline states near the end of her

1 e-mail, the second-to-the-last paragraph, that she did
2 not ask for waivers, "As evident in our ability to move
3 bag weight around prior to checking bags," that's what
4 you concluded was her false statement.

5 A. I believe that is false.

6 Q. And you believe that was false because of
7 what you were told by Mr. Abbott, Ms. Alusa, and
8 Ms. Tonga?

9 A. Abbott, Alusa, Navarro, I'm not sure about
10 Tonga, I don't believe was there.

11 Q. Let's take a look back at Exhibit 21.
12 Take a look at the entry for January 12, if you would,
13 please.

14 A. Okay.

15 Q. It refers to, "Lobby PSA Cory Abbott
16 provided statement advising that Aline had asked him to
17 waive her overweight bag fees. Cory advised that Niki
18 Alusa expressed frustration that Aline put 50 pounds in
19 the computer to waive fees." Do you see that?

20 A. I do.

21 Q. And on the second page there's an entry
22 for January 20, four entries for January 20. I'd like
23 to start with the first one where it refers to, "PSA
24 Cory Abbott, when asked again about how much the bags
25 weighed, advised he believed the bags were 65 and 56

1 pounds." Do you see that?

2 A. Yes, sir.

3 Q. Did you write those statements or did
4 someone else?

5 A. I'm not certain.

6 Q. Did you meet with Mr. Abbott on January
7 12?

8 A. I don't believe so, no.

9 Q. So when it states, "When asked again," who
10 was doing the asking?

11 A. I would assume it was Keith Stowe, but I
12 couldn't say for certain.

13 Q. Did you ever speak with Mr. Abbott
14 face-to-face or over the phone about the December 17th
15 incident?

16 A. Not that I recall, no.

17 Q. Let's take a look at Exhibit 22. This
18 would be an e-mail from Mr. Abbott. The date is
19 January 20, 2018, the e-mail is to you, and the subject
20 line reads, "Ticket Counter Finneman." Are we looking
21 at the same document?

22 A. We are.

23 Q. Take a moment to read and review that
24 e-mail just so you have some context, and then I'd like
25 to ask you about it.

1 A. Okay.

2 Q. Did you ask Mr. Abbott to send you this
3 e-mail?

4 A. I don't believe so. I suspect I probably
5 asked Maria Tonga to ask for a statement.

6 Q. In the e-mail Mr. Abbott refers to Kit
7 Keller.

8 A. Yes.

9 Q. Who is that?

10 A. He is a ramp employee that comes out to
11 the counter and checks on the bag status, bag hygiene,
12 to see if the ticket counter people need anything. I
13 believe he -- I'm not sure if he is on Aline's team and
14 works a lot of overtime on a.m. shift, or if he was
15 a.m. shift and works p.m. He works a lot of hours so
16 it's hard to say if he is there on a.m. or p.m. shift,
17 but he is there frequently.

18 Q. Did you speak with Mr. Keller directly
19 about the December 17th incident?

20 A. No. Not that I recall.

21 Q. Why not?

22 A. Because we had multiple other statements
23 that all stated the same thing and painted the same
24 picture that were all very consistent to one another.

25 Q. Was it your understanding that Mr. -- is

1 it a Mister or Miss Keller?

2 A. Mister.

3 Q. Was it your understanding that Mr. Keller
4 observed the December 17th incident or not?

5 A. It looks like, similarly to the redcoats,
6 that he traversed back and forth through the area but
7 it doesn't look like he sat and heard the whole
8 conversation like Niki Alusa and Geoffrey Wilde,
9 sitting next to Aline -- or Niki Alusa. Or had nearly
10 the engagement of the other two redcoats.

11 Q. Did you ever ask Mr. Keller to submit a
12 written statement about what he knew about the December
13 17th incident?

14 A. I don't believe so.

15 Q. And when I ask you why, your answer would
16 be the same? You felt like you already had enough
17 information?

18 A. Yes, sir.

19 Q. The reference to position 13 in
20 Mr. Abbott's e-mail, do you see that?

21 A. Yes.

22 Q. Does that refer to that specific terminal
23 where people are getting checked in? Is that --

24 A. Yes.

25 Q. -- what position 13 refers to?

1 Q. Ms. Alusa would be considered above-wing,
2 right, because she interacted with customers?

3 A. Yes, sir.

4 Q. So Ms. Alusa was not supervised by
5 Ms. Finneman. She was supervised by Mr. Stetler?

6 A. No. Ms. Alusa would have been Mr. Stowe.
7 So Mr. Stowe would have been the department manager,
8 but her immediate supervisor would have been Maria
9 Tonga.

10 Q. Okay. Let's take a look at Exhibit 19.
11 This would be an e-mail from Niki Alusa, the date is
12 January 20, 2018, to you with a carbon copy to
13 Mr. Stowe. The subject line reads, "Incident Sunday,
14 December 17, 2018." Do you see that?

15 A. Yes.

16 Q. And did you ask Ms. Alusa to send you this
17 e-mail?

18 A. I believe I did.

19 Q. Now, this e-mail is dated January 20.
20 That's more than a month after the incident occurred.
21 Do you know why you waited so long to ask her to send
22 you this?

23 A. I do not, other than I don't know if she
24 had a lot of days off in the middle there. We didn't
25 really start it, start grabbing a ton of statements

1 until Aline returned and we went back and played some
2 back-and-forth, based on people's days off and time off
3 really slowed the investigation down.

4 Q. All right. And did you meet with
5 Ms. Alusa and speak with her about the December 17
6 incident before she sent you this e-mail?

7 A. I believe I did.

8 Q. Do you recall where that meeting was?

9 A. I do not recall where it was, no.

10 Q. Was anyone else present?

11 A. I don't recall. If there was, I certainly
12 don't remember.

13 Q. Do you recall how long the meeting lasted?

14 A. Probably, at a recollection, ten minutes.
15 Five or ten minutes.

16 Q. Did Ms. Alusa tell you anything during
17 that meeting that is not documented on her e-mail?

18 A. Not that I'm aware. But I probably would
19 need to read this again.

20 Q. Take your time and read it. I don't want
21 to --

22 MR. DIBBLE: Are we at a good time to take
23 a break?

24 MR. EGAN: Sure. We can take a break.

25 MR. DIBBLE: All right. Thank you.

1 MR. EGAN: Let's reconvene how about at
2 10:02, 10:03, around there.

3 MR. DIBBLE: Sounds goods.

4 (Break taken from 9:54 to 10:04 a.m.)

5 Q. (By Mr. Egan) Mr. McLeish, do you
6 understand that you are still under oath?

7 A. Yes, sir.

8 Q. Before we broke, I had asked you about
9 Exhibit 19. This would be an e-mail from Niki Alusa,
10 and I was asking you about an in-person or telephone
11 conversation you had with Ms. Alusa. And I believe you
12 don't recall whether you spoke with her in person or
13 via telephone. Would that be right?

14 A. I believe I spoke with her in person, but
15 I couldn't say for dead certain.

16 Q. Gotcha. And in your meeting with
17 Ms. Alusa, did she tell you anything that she did not
18 list in her e-mail on Exhibit 19?

19 A. Not that I recall, no, sir.

20 Q. All right. Does Ms. Alusa's sister also
21 work for Delta Airlines?

22 A. I couldn't tell you who that was, but I
23 have heard that she's got a sister that works for Delta
24 Airlines.

25 Q. And do you know whether her sister's

1 employment was terminated by Delta?

2 A. I do not know that.

3 Q. Did you share Ms. Alusa's e-mail here in
4 Exhibit 19 with Ms. Finneman and ask her to respond to
5 it?

6 A. I would not have shared the detail -- not
7 just sent her this statement, no.

8 Q. Why not?

9 A. We don't do that as part of our
10 investigation.

11 Q. Is that a written policy or unwritten
12 policy?

13 A. Boy, I couldn't say for sure. I've been
14 in leadership a long time. We never just hand somebody
15 somebody else's statement and ask them to respond to
16 it.

17 Q. And it's your testimony you don't
18 understand why that policy is in place?

19 A. I believe it's to protect the individuals.
20 I mean, as I read Niki's statement here, she mentions
21 being worried about retaliation, and Aline having
22 friends. I think it's just to not damage work
23 relationships by handing statements that somebody said
24 back and forth.

25 Q. And did Ms. Alusa tell you why she feared

1 retaliation?

2 A. No, she did not. She just didn't want any
3 trouble at work.

4 Q. And in her e-mail, toward the end
5 Ms. Alusa states she feels like she is being punished
6 for doing her job. Did she tell you why she felt like
7 she was being punished?

8 A. She wasn't being punished, as far as I'm
9 concerned. I'm sure I conveyed that.

10 Q. Yeah, you're not a mind reader. I
11 wouldn't ask you to decipher what Alusa was thinking.
12 But did she tell you why she felt like she was being
13 punished?

14 A. No, sir.

15 Q. Okay. And in the course of your
16 investigation, you ultimately concluded that
17 Ms. Alusa's version of events on December 17 were more
18 credible than Aline's version of events. Would you
19 agree?

20 A. Yes.

21 Q. How did you arrive at that conclusion?

22 A. Face-to-face interviews and reading of
23 statements. Ms. Alusa was very convincing. I believe
24 what Ms. Alusa shared with me is what occurred.

25 Q. And you ultimately concluded that

1 Mr. Abbott's statements to you were more credible than
2 Ms. Finneman's statements to you, correct?

3 A. As they supported Niki's and Roland's
4 similar statements, yes.

5 Q. But Roland didn't personally observe what
6 happened, right?

7 A. I think Roland was in the area, but I
8 think Roland made some comments. He sent the e-mail to
9 Keith Stowe that said, "Aline stated to me that the
10 agent probably got in trouble before and thus wouldn't
11 do it for her." I think we probably should have asked
12 Roland to expand a little more on that. But he was in
13 the vicinity, similar to Kit Keller. They traversed
14 the area, but I don't think they had nearly the
15 firsthand visibility that Niki did.

16 Q. Are there any other reasons that you
17 concluded that Ms. Alusa's statements regarding the
18 December 17th incident are more credible than Aline's?

19 A. No. Just more believable.

20 Q. Let's go back to Exhibit 21, please, the
21 fourth entry. And we are on page 2, Mr. McLeish. The
22 fourth entry for January 20 refers to OSM Maria Tonga
23 being interviewed. Would you read the comments in that
24 box to yourself and let me know when you're done.

25 A. Yes.

1 Q. Did you write the statements in that box?

2 A. I don't recall, sir.

3 Q. Did you interview Maria Tonga?

4 A. I don't believe I did.

5 Q. Do you know who did?

6 A. I don't. I assume it would be Keith, but
7 I don't know.

8 Q. And why didn't you interview Maria Tonga?

9 A. Maria Tonga wasn't at the counter when it
10 occurred.

11 Q. Let's take a look at Exhibit 23. This
12 would be an e-mail from Maria Tonga. The date is
13 January 20. It is to you. The subject line reads,
14 "Here it is." Have you seen this e-mail before today?

15 A. I suspect I have, yes.

16 Q. What was Maria Tonga's job title at the
17 time she sent this?

18 A. She was an OSM, so operations service
19 manager, at the ticket counter.

20 Q. Above-wing?

21 A. Yes, sir.

22 Q. And in the first sentence of her e-mail
23 she states, "Hello, Don, per our conversation today
24 here what is I remember in regards to Aline Finneman
25 and her recent standby travel." End of quote. Do you

1 see that?

2 A. I do.

3 Q. Does that refresh your memory at all about
4 whether you spoke with Ms. Tonga about Aline's travel
5 on December 17th?

6 A. Yes, sir.

7 Q. And where did this conversation occur?

8 A. I think it was a phone call. I think it
9 was me trying to follow up and get statements for
10 people that had some level of visibility that day. So
11 it was probably a phone call saying, "Hey would you
12 mind sending me -- I know you weren't there first hand
13 or it doesn't appear you were there first hand, but
14 send me everything you know about it," as part of the
15 investigation. I don't recall a long conversation with
16 Maria, but I clearly asked for her side of it, what
17 occurred.

18 Q. Ms. Tonga refers to what Cindy Dunn told
19 her. Who is Cindy Dunn?

20 A. A front line customer service agent.

21 Q. Did you speak with Ms. Dunn about the
22 December 17 incident?

23 A. Not that I recall, no.

24 Q. In her e-mail, Ms. Tonga refers to there
25 being a lot of concern. And this would be the second

1 paragraph. "A lot of concern about the recent
2 termination of two employees that agents are hesitant
3 to make decisions that they feel require supervisor
4 approval." Do you see that?

5 A. I do.

6 Q. Did you understand which two employees she
7 was referring to who were terminated?

8 A. No, sir.

9 Q. Did you ask her to clarify who those two
10 employees were?

11 A. No. I may have known about it at the
12 time, but again, I would assume one was the Uini that
13 was referenced in some earlier information we went
14 over, but I don't know who the second one would have
15 been. I'm assuming Uini was the one.

16 Q. Do you know why those two employees were
17 terminated?

18 A. I do not.

19 Q. And it's fair to say you were not the
20 management level employee who made the termination
21 recommendation for those two employees, right?

22 A. Correct.

23 MR. DIBBLE: Just for the record, if you
24 let him finish then you guys don't talk over each
25 other.

1 THE WITNESS: Sorry, sir.

2 Q. (By Mr. Egan) Did you share Ms. Tonga's
3 e-mail with Aline and give her an opportunity to
4 respond to it?

5 A. No.

6 Q. I think I know your answer but I'll ask
7 anyway. Why?

8 A. Because we don't share -- they were peers.
9 They were both OSMs. And even if they weren't OSMs, we
10 don't share statements with the other party. We may
11 have a conversation verbally and ask them to expand on
12 something, but that's not part of how we do the
13 investigations.

14 Q. All right. Let's take a look back at
15 Exhibit 21, if you would, please. The entry for
16 January 24 refers to, "Last day worked, suspended, MSS
17 transaction completed." Do you see that?

18 A. Yes, sir.

19 Q. And then the box next to that states, "Met
20 with Aline to advise of the decision to review
21 employment." Do you see that?

22 A. Yes.

23 Q. Did you enter those comments?

24 A. I suspect I did.

25 Q. What does "MSS transaction" refer to?

1 A. MSS is the transaction in our -- I don't
2 know if it's payroll system but it's our master system
3 that would reflect somebody no longer active.

4 Q. And so it was your decision to suspend
5 Aline as of January 24, 2018, correct?

6 A. It was collaborative. It would have been
7 my having conversation with Tony Klekas, Kelley Nabors,
8 Marc Stetler, Keith Stowe.

9 Q. Were you all in agreement that Aline
10 should be suspended or was there someone who disagreed?

11 A. I think at the end of the meeting we had
12 to all be in agreement. We were all in agreement. But
13 I'll tell you, Aline was an amazing supervisor for me,
14 so it was with heavy heart that I agreed. But yes, we
15 would have been in agreement.

16 Q. And why was she placed on suspension?

17 A. Based on investigation outcome.

18 Q. What about the investigation justified
19 suspension?

20 A. The statements, believing we had the
21 story.

22 Q. "Statements" meaning statements from
23 Ms. Alusa, Mr. Abbott, Ms. Tonga, and Mr. Navarro?

24 A. Yes.

25 Q. Any other statements?

1 A. No, sir.

2 Q. Was Ms. Finneman's suspension paid or
3 unpaid?

4 A. Unpaid, I believe.

5 Q. And then did you also meet with her on
6 January 24?

7 A. I'm not sure if that was a face-to-face
8 meeting or not.

9 Q. Did you speak with her on January 24?

10 A. I believe I did, yes.

11 Q. And what exactly did you tell her?

12 A. I couldn't tell you exactly what I told
13 her.

14 Q. Do you recall what she said during that
15 conversation?

16 A. I don't.

17 Q. Was anyone else present for the
18 conversation?

19 A. Not that I'm aware of, no, sir.

20 Q. Did you record the conversation?

21 A. No, sir.

22 Q. Have you told me everything you recall
23 about this conversation?

24 A. Yes.

25 Q. Let's take a look at a new exhibit,

1 Exhibit 45.

2 (EXHIBIT 45 WAS MARKED.)

3 Q. It's a two-page exhibit, starts with Bates
4 number Delta 1466. It is an e-mail from Mr. Klekas --
5 I'm sorry, to you from Mr. Klekas on January 24. The
6 subject line reads "Aline Finneman meeting."

7 A. Yes, sir.

8 Q. Did you send this e-mail?

9 A. I did. This is why I sit down and write
10 notes, so yes.

11 Q. And it states, "Summary of meeting with
12 Aline Finneman."

13 A. Yes, sir.

14 Q. Why did you send this e-mail?

15 A. Because I can't trust my memory, so I want
16 to have a summary of items that occur for reference
17 later, or to have other people that are part of the
18 decision-making process involved.

19 Q. Does this e-mail refresh your recollection
20 as to whether you met Aline in person, or over the
21 phone, or how long the meeting lasted?

22 A. Absolutely, yes.

23 Q. Okay. So was it an in-person meeting?

24 A. Yes.

25 Q. Do you recall where it was?

1 A. Probably in my office. I don't know for
2 sure.

3 Q. Was anyone else present?

4 A. I don't believe so. Not that I'm aware
5 of.

6 Q. In the first paragraph of your e-mail, you
7 state that, "I told her that I had had a chance to
8 investigate further and that my research does not
9 support her version of what occurred." Do you see
10 that?

11 A. I do.

12 Q. And what exactly was your research? Have
13 you already told me all the research you did? Is there
14 additional research you conducted?

15 A. No. The statements, reading statements
16 and talking to individuals that were there.

17 Q. And watching the video, right?

18 A. Sure. Yes.

19 Q. And meeting with Ms. Finneman, right?

20 A. Right. Yes.

21 Q. In the next paragraph you state that you
22 asked Aline if she had "adjusted the bag weights in the
23 computer to reflect 50 pounds, and she said that she
24 did, but did not double-check to make sure the kids
25 moved the weight in the bags." Do you see that?

1 A. I do.

2 Q. So did you conclude that when Aline
3 entered the two bag weights at 50 pounds, did you
4 conclude that she made a mistake or did you conclude
5 that she deliberately entered that weight knowing they
6 were overweight?

7 A. Knowing they were overweight, entered
8 those false numbers.

9 Q. So you concluded that Aline had intent to
10 falsify two bag tags, right?

11 A. The weight on two bag tags, yes.

12 Q. And if I were to ask you why you believed
13 she intentionally falsified those records, your answer
14 would be the same: Based on what you had heard from
15 Mr. Navarro, Mr. Abbott, Ms. Tonga, and Ms. Alusa,
16 correct?

17 A. Yes.

18 Q. So between December 17, 2017 and the date
19 that you sent this e-mail on January 24, have you told
20 me all the actions you took to investigate what
21 occurred on December 17th?

22 A. I believe so, yes. To the best of my
23 knowledge, for certain.

24 Q. Let's take a look at Exhibit 46.

25 (EXHIBIT 46 WAS MARKED.)

1 Q. All right. This will be a new exhibit, we
2 will need to mark it.

3 It is an e-mail -- well, there's a couple
4 of e-mails. Both of them are from you. The first
5 e-mail is dated January 21, the second e-mail is dated
6 January 24. And the exhibit is two pages long with a
7 Bates number of Delta 199 and Delta 200. Are we
8 looking at the same document, sir?

9 A. I believe we are, yes, sir.

10 Q. All right. Let's start with your e-mail
11 of January 21 that you sent to Mr. Klekas and
12 Ms. Nabors. And you state that you printed statements
13 from Ms. Finneman, Ms. Alusa, Ms. Tonga, Mr. Abbott,
14 and Mr. Navarro. And have we already looked at those
15 statements today or are there additional statements
16 that you are referring to?

17 A. To the best of my knowledge we have looked
18 at them all today.

19 Q. You state that after viewing cameras you
20 needed to obtain statements from Kit Keller, Geoffrey
21 Wilde, and Ping Woo, P-I-N-G, W-O-O.

22 A. Yes.

23 Q. We have gone over Kit Keller. Who is
24 Geoffrey Wilde?

25 A. I believe he was an agent that was

1 directly across the -- there's a scale bay in between
2 two positions. I believe he was the agent that was
3 next to her over there, next to Niki Alusa.

4 Q. Did you speak with Mr. Wilde about the
5 December 17 incident?

6 A. I don't believe I did, no.

7 Q. Did you obtain a statement from Mr. Wilde?

8 A. I don't believe I saw one, no.

9 Q. And why did you not speak with Mr. Wilde?

10 A. I suspect at that point we had enough
11 statements. It would have been, again, some
12 collaboration with my boss and my boss's boss and human
13 resources to say that we had enough statements and we
14 didn't need to obtain any more.

15 Q. And if I were to ask why you did not
16 obtain a written statement from Mr. Wilde, your answer
17 would be the same?

18 A. Yes, sir.

19 Q. Who is Ping Woo?

20 A. I believe she was out at the front check-
21 in, the front of the stanchions when Aline came in the
22 door, and kind of whisked her up to the front of the
23 line because they were flirting with the cutoff time
24 for international bags.

25 Q. What is the cutoff time for international

1 bags?

2 A. I think it's an hour, at a guess. I
3 couldn't say for certain, but I believe it's sixty
4 minutes.

5 Q. So if you arrive at the airport sooner
6 than -- within that one-hour cutoff time, you don't get
7 to check a bag for an international flight; is that
8 correct?

9 A. I believe the automation actually prevents
10 it, I think. Or makes it a lot more difficult, if it
11 doesn't prevent it altogether.

12 Q. Did you speak with Ping Woo about the
13 December 17 incident?

14 A. No, sir.

15 Q. Why?

16 A. Ping's involvement was pretty minimal.
17 Taking her to the front of the line, it appeared by the
18 cameras, and then back out again. I think she returned
19 back to her position. I'm not certain, but I don't
20 believe she was witness to any of this.

21 Q. And if I asked you why you did not obtain
22 a written statement from Ping Woo, your answer would be
23 the same?

24 A. Yes, sir.

25 Q. And in your e-mail of January 21, why did

1 you state that you needed to obtain statements from
2 those three?

3 A. I think at some point I was obviously
4 planning on obtaining statements. But at some point
5 during the investigation it was deemed not necessary.

6 Q. And in that same e-mail you state that you
7 put together a timeline starting at 7:17 and ending at
8 7:28. Do you see that?

9 A. Yes, sir.

10 Q. Did you create that timeline purely by
11 viewing the video footage?

12 A. I believe so, yes.

13 Q. But just to be clear, the video footage
14 would not contain audio, right? Just video?

15 A. Correct. Just video.

16 Q. Let's take a look at Exhibit 47. This
17 would be a new exhibit. We will need to mark it.

18 (EXHIBIT 47 WAS MARKED.)

19 Q. The Bates number is Delta 656. It is a
20 one-page exhibit, an e-mail from you to Mr. Klekas,
21 followed by Mr. Klekas's response. Are we looking at
22 the same document, sir?

23 A. Yes, we are.

24 Q. In your e-mail to Mr. Klekas you state
25 that we are pursuing RFT, and you wanted to send it for

1 approval. What is RFT?

2 A. Request for termination.

3 Q. Could you have terminated Ms. Finneman's
4 employment without getting approval from Mr. Klekas?

5 A. No.

6 Q. Did you need approval from anyone else?

7 A. Human resources, I believe, as well.

8 Q. So that would be Ms. Nabors?

9 A. And probably Ms. Nabors's boss.

10 Q. And that would be Mr. Jessup?

11 A. I would assume -- that's me assuming it
12 would be Mr. Jessup. But it goes to Atlanta. I think
13 there's a third party that reviews the details.

14 Q. Is it fair to say that as of January 28,
15 when you sent this e-mail, you had made up your mind
16 that you would like to terminate Ms. Finneman's
17 employment?

18 A. Based on meetings with the leadership team
19 in Salt Lake, yeah.

20 Q. And why did you believe termination was
21 appropriate?

22 A. Because of the waiving of the fees, the
23 fact that we believed the other statements on the
24 waiving of the bag fees without any adjustments in
25 weight.

1 Q. Why not issue a written warning instead of
2 termination?

3 A. Captive services is a big deal with Delta,
4 and waiving fees that would otherwise generate revenue
5 for Delta, that's taken very seriously.

6 Q. At the time this occurred, December 17,
7 2017, how much was the overweight baggage fee?

8 A. I don't know.

9 Q. Was it under \$100?

10 A. I couldn't say. I could guess that it's
11 \$100 to \$150, at a guess.

12 Q. So in your mind it was a revenue issue as
13 to why termination was appropriate?

14 A. Yes, sir.

15 Q. Do you remember if Mr. Klekas conducted
16 his own investigation into what happened on December
17 17th?

18 A. I believe his investigation is what the
19 people directly reporting to him are presenting. So
20 statements and whatnot, I'm sure he did, read all the
21 statements and made his own --

22 Q. Does Mr. Klekas work in Salt Lake City?

23 A. No. Not anymore. He did.

24 Q. Let me rephrase the question. In December
25 of 2017 and January 2018, did Mr. Klekas work in Salt

1 Lake City?

2 A. Oh, yes, sir.

3 Q. All right. And to your knowledge did
4 Mr. Klekas meet with Aline to get her side of the
5 story?

6 A. I'm not aware.

7 Q. Did Mr. Klekas meet with Ms. Tonga to talk
8 about what happened?

9 MR. DIBBLE: Objection. Foundation.

10 A. I don't know. I do not know.

11 Q. Did Mr. Klekas meet with Mr. Navarro about
12 the December 17 incident?

13 MR. DIBBLE: Objection. Foundation.

14 A. I do not know.

15 Q. Did Mr. Klekas meet with Ms. Alusa to talk
16 about the December 17 incident?

17 MR. DIBBLE: Objection. Foundation.

18 A. I do not know.

19 Q. Did Mr. Klekas speak with Mr. Abbott about
20 the December 17 incident?

21 A. I don't know.

22 MR. DIBBLE: Objection. Foundation.

23 A. Sorry. I don't know.

24 Q. Did Mr. Klekas tell you why he approved
25 your request?

1 A. No.

2 Q. Let's take a look at Exhibit 28. It's
3 previously marked. This would be what appears to be a
4 memorandum dated January 28th. The date is January 28,
5 2017 but I believe that's a typo. I believe the
6 correct date is 2018, but I'll ask you about that. The
7 Bates number is Delta 66. It's your name at the top
8 and it's from you. Have you seen this document before
9 today?

10 A. Yes, sir.

11 Q. Did you write this document?

12 A. I believe I did.

13 Q. And the correct date would be January 28,
14 2018. That's just a typo, right?

15 A. Yes, sir.

16 Q. Okay. And did you send this memo to
17 Mr. Klekas at the same time you sent this e-mail we
18 just looked at in the previous exhibit?

19 A. I couldn't say for certain.

20 Q. Are there any reasons for the termination
21 recommendation that you made that are not listed in
22 this memo?

23 A. No, sir. Not that I'm aware.

24 Q. Let's take a look at Exhibit 29. It was
25 previously marked. This would be a memorandum from

1 Kelley Nabors to Josh Jessup. Subject line reads,
2 "Recommendation for termination." The Bates number is
3 Delta 64.

4 Do you have that document before you?

5 A. Yes, sir.

6 Q. And it was your understanding that the
7 individuals who signed this document which appears to
8 be the general manager of human resources, was
9 identified as Josh Jessup, and the managing director of
10 human resources, do you recognize that signature?

11 A. No.

12 Q. Did you ever speak with Mr. Jessup about
13 what occurred on December 17?

14 A. No, sir.

15 Q. Did Mr. Jessup or Ms. Nabors travel to
16 Salt Lake City to conduct an investigation of the
17 December 17 incident?

18 A. Not that I'm aware of. I have no idea.

19 Q. Do you know whether Ms. Nabors or
20 Mr. Jessup spoke with any of the other witnesses we've
21 talked about: Mr. Abbott, Ms. Alusa, Ms. Tonga,
22 Mr. Navarro?

23 A. Not that I'm aware of. I have no idea.

24 Q. In this memo Ms. Nabors states that Aline
25 falsified the weight of the bags to avoid being charged

1 the appropriate fees. Do you agree or disagree with
2 that statement?

3 A. I agree.

4 Q. For the same reasons you've described,
5 correct?

6 A. Yes, sir.

7 Q. So Aline, at that point, had worked for
8 Delta for over twenty years, correct?

9 A. Yes, sir.

10 Q. And do you believe she would have
11 jeopardized her employment of over two decades to avoid
12 paying two overweight baggage fees?

13 MR. DIBBLE: Objection. Calls for
14 speculation. Foundation.

15 A. Can you ask it again?

16 Q. Sure. In fact, I'll rephrase. Did it
17 make sense you to, was it logical you to, based on what
18 you knew about Aline, that she would jeopardize over
19 two decades of employment with Delta to avoid paying
20 two overweight baggage fees?

21 A. No.

22 Q. That didn't make sense to you, did it?

23 A. It doesn't make sense, no.

24 Q. And did that factor into your determination
25 of who was being a more credible witness about those

1 events?

2 A. Yes.

3 Q. Was that not reason to conclude that Aline
4 was being truthful and perhaps Ms. Alusa was not?

5 A. At the end of the day when you read the
6 statements, no, it was not.

7 Q. Let's take a look at a new exhibit,
8 Exhibit 48.

9 (EXHIBIT 48 WAS MARKED.)

10 Q. To make sure we are looking at the same
11 document, this is a one-page exhibit. The Bates number
12 is Delta 83. It contains an e-mail from a Debbie
13 Dudek, D-U-D-E-K, sent on February 2 of 2018 to you,
14 Mr. Klekas, with a carbon copy to Ms. Nabors and
15 Mr. Jessup. Subject line is, "Urgent action required,
16 Recommendation for Termination, Aline Finneman." Are
17 we looking at the same document, sir?

18 A. I believe we are, yes.

19 Q. And in her e-mail Ms. Dudek states, "The
20 review of recommendation for termination of employment
21 for the referenced employee has been completed and the
22 Company has decided to terminate Aline Finneman's
23 employment." End of quote. Who is Ms. Dudek?

24 A. I never met her, but I assume she is a
25 specialist in Atlanta, human resources.

1 Q. Did you speak with Ms. Dudek about the
2 December 17 incident?

3 A. No, sir.

4 Q. To your knowledge did Ms. Dudek conduct
5 her own investigation into what occurred on December
6 17?

7 A. I'm not aware.

8 Q. To your knowledge was Ms. Dudek required
9 to approve the termination decision?

10 A. I would not know that.

11 Q. So just to be clear, the termination
12 decision had to clear two layers of approval. One
13 layer would be Mr. Klekas, and then the other layer
14 would be human resources, correct?

15 A. I don't know how many -- I don't know how
16 many hands -- I don't know how many layers. I mean,
17 certainly the boss between myself and Tony Klekas is
18 Marc Stetler, so he would be involved as well. I don't
19 know before that, above Tony, and outside of Salt Lake
20 City I'm not sure exactly what the approval process is.
21 I knows it's HR.

22 Q. Okay. Did Mr. Stetler ever tell you that
23 he thought that Delta should terminate Aline's
24 employment based on the December 17 incident?

25 A. Mr. Stetler was involved with the decision.

1 Q. My question is a little bit different.

2 A. Okay.

3 Q. Did Mr. Stetler ever tell you specifically
4 that he thought that Delta should terminate Aline's
5 employment based on what happened on December 17th?

6 A. Boy, I don't remember a specific
7 conversation, but I would say yes.

8 Q. Do you recall when he said that?

9 A. I don't recall a conversation.

10 Q. Who was it that notified Aline that her
11 employment had been terminated?

12 A. It may have been Marc. I can't remember
13 if the final conversations were with me or not.

14 Q. When was the last time you spoke with
15 Ms. Finneman?

16 A. Outside of a funeral service that we both
17 attended, prior to that it would have been a date,
18 whatever this document shows.

19 Q. Let me rephrase. According to Exhibit 21,
20 and I believe we talked a bit about your conversation
21 with Finneman on January 24, 2018.

22 A. Yeah.

23 Q. January 24, that conversation where you
24 notified her of the suspension, was that the last time
25 you spoke with her before her employment was terminated

1 by Delta?

2 A. I believe so.

3 Q. All right.

4 A. To the best of my knowledge, yes.

5 Q. And why didn't you notify Aline that her
6 employment had been terminated? Why was it done by
7 Mr. Stetler?

8 A. I think I was on days off or something.
9 It had to do with people's time off and schedules.

10 Q. All right. And then you mentioned that
11 you've spoken with Aline since the termination,
12 correct?

13 A. It was in passing, brief, at a funeral
14 service.

15 Q. When was that?

16 A. Boy, I don't know. I couldn't tell you
17 for certain.

18 Q. And I don't necessarily need to know the
19 person's name who died, but can you tell me briefly who
20 they were, who was the funeral for?

21 A. A bag room employee both of us had worked
22 with for a long time.

23 Q. How long did you speak with Ms. Finneman
24 on that date?

25 A. Seconds. It was a, "How are you?"

1 Q. Did it go beyond, "How are you?"

2 A. I don't believe so, no.

3 Q. Have you spoken with her on any other
4 occasion since the termination?

5 A. No, sir.

6 Q. Is it your understanding that in your new
7 employment with AtAirPros that you will be working
8 alongside Ms. Finneman?

9 A. I recently discovered that.

10 Q. Are you aware that Ms. Finneman applied
11 for Delta's administrative OSM position in September of
12 2017?

13 A. I am, yes.

14 Q. And Delta ultimately selected Todd Monette
15 for that position, correct?

16 A. Yes, sir.

17 Q. Were you involved in the decision to
18 select Mr. Monette for the position?

19 A. I believe so.

20 Q. And why did you believe that Mr. Monette
21 was the better choice than Ms. Finneman?

22 A. Mr. Monette's only -- a big deciding
23 factor would be Mr. Monette's experience as a station
24 manager gave him experience building schedules, working
25 with finance, and creating shift bids, which is really

1 what that administrative position does.

2 Q. But you concluded that Mr. Monette was the
3 better selection because of his experience as a station
4 manager?

5 A. Yes, sir.

6 Q. What were the job duties of the
7 administrative OSM position?

8 A. Building shift bids, helping support the
9 station's finances, and administrative computer work.

10 Q. What are shift bids?

11 A. Employees shift, so schedule changes and
12 shift changes every six months. People bid on their
13 new day off pattern and their new work area.

14 Q. Who else was involved in the decision to
15 select Mr. Monette for the position?

16 A. It would have been department managers and
17 general managers. It would have been the group.
18 There's certainly a significant amount of weight put on
19 the score, the stars interview process, but background
20 considered, as well. And it would be a conversation
21 that we would review interview scores and have dialogue
22 with local leaders. But that position --

23 Q. Mr. Stetler was also involved, was he not?

24 A. Absolutely. Marc Stetler, and I'm sure
25 Tony Klekas, Kelley Nabors, Keith Stowe.

1 Q. Did you interview Ms. Finneman for the
2 administrative OSM position?

3 A. I don't recall.

4 Q. Do you recall who was interviewed for that
5 position?

6 A. Who else was interviewed?

7 Q. Right. Presumably Mr. Monette was
8 interviewed, right?

9 A. Yes.

10 Q. Who else was interviewed?

11 A. I do not know.

12 Q. Do you know how many interviews there
13 were?

14 A. I don't know.

15 Q. In your time as a department manager, have
16 you ever permitted any of your OSMs to chew tobacco
17 while they were on duty?

18 A. No.

19 Q. And in your time as a department manager,
20 have you ever used Delta flight benefits to fly to
21 other states to purchase vehicles?

22 A. Yes.

23 Q. On how many occasions?

24 A. Four. Maybe five.

25 Q. And you would fly to another state,

1 purchase a vehicle, and then drive the vehicle back to
2 Salt Lake City?

3 A. Yes, sir.

4 Q. Okay. Do you know whether that's a
5 violation of Delta's nonrevenue flight policy?

6 A. I know that it's not a violation.

7 Q. Are you familiar with a Delta employee
8 named Leonard or Len Frig, F-R-I-G?

9 A. Yes.

10 Q. What was his job title?

11 A. He was an OSM on the ramp.

12 Q. And did you ever terminate Mr. Frig's
13 employment or recommend termination?

14 A. Boy, I have no recollection of the details
15 surrounding it, if I was involved.

16 Q. Were you aware of any allegations that
17 Mr. Frig had violated Delta's policy on harassment?

18 A. No recollection at this time.

19 Q. Are you familiar with Delta employee or
20 former employee Lanette Smith?

21 A. Yes.

22 Q. And did she work under your supervision?

23 A. I believe she did, when I was passenger
24 service manager.

25 MR. DIBBLE: Austin, we are going to

1 designate this portion of the deposition as
2 confidential.

3 MR. EGAN: That's fine.

4 Q. (By Mr. Egan) Is it true that Ms. Smith
5 also manipulated baggage scales to avoid paying over-
6 weight baggage fees?

7 A. No knowledge of such thing occurring.

8 Q. Do you know whether Delta terminated
9 Ms. Smith's employment?

10 A. I do not know.

11 Q. Are you familiar with Delta employee or
12 former employee Eric Smitkoff, S-M-I-T-K-O-F-F?

13 A. I know Eric Smitkoff, yes.

14 Q. Did Delta terminate his employment?

15 A. I'm not aware.

16 Q. What was his job title?

17 A. I believe he was a front line CSA. I'm
18 not sure if he was a redcoat. I think he might have
19 been a redcoat.

20 Q. Do you know whether Mr. Smitkoff waived
21 overweight baggage fees for himself on any occasion?

22 A. No knowledge of any such thing.

23 Q. Are you familiar with employee Michelle
24 Carr, with two Rs?

25 A. Yes.

1 Q. What was her job title?

2 A. Frontline employee, CSA.

3 Q. And do you know whether Ms. Carr ever
4 waived overweight baggage fees for herself?

5 A. Not to my knowledge.

6 Q. Okay. Those are all my questions about
7 comparators. I think we can remove the confidential
8 designation there.

9 MR. DIBBLE: Okay.

10 MR. EGAN: I'm showing 10:46. Why don't
11 we take one more five-minute break and then I think I
12 have no further questions, but let me review my notes.
13 Would that be okay?

14 MR. DIBBLE: That would be great.

15 MR. EGAN: See you in five minutes.

16 (Break taken from 10:46 to 10:59 a.m.)

17 Q. (By Mr. Egan) Mr. McLeish, do you
18 understand that you are still under oath?

19 A. Yes, sir.

20 Q. Did you ultimately conclude that Aline's
21 bag weights that she entered on December 17 of 50
22 pounds and 50 pounds, did you conclude that that had
23 jeopardized the safety of the flight she boarded to
24 Portland?

25 A. It was not necessarily a safety concern.